

STATE OF MICHIGAN  
COURT OF APPEALS

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JUDITH WALKER,

Plaintiff-Appellant,

v

OFFICE OF STATE EMPLOYER,

Defendant-Appellee.

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UNPUBLISHED

July 26, 2005

No. 260804

Court of Claims

LC No. 04-000092-MZ

Before: Fitzgerald, P.J., and Meter and Owens, JJ.

MEMORANDUM.

Plaintiff appeals as of right from an order of the Court of Claims granting summary disposition to defendant under MCR 2.116(C)(4) (lack of subject-matter jurisdiction). Plaintiff, a former state employee, alleged that she was enrolled in the long-term disability and income protection plan for State of Michigan employees. She claimed that she became disabled and that defendant initially paid her long-term disability benefits but later erroneously ceased doing so. Plaintiff sought the reinstatement of benefits. The Court of Claims concluded that plaintiff should have filed her lawsuit in the circuit court as opposed to the Court of Claims. We disagree and therefore reverse.

The precise issue involved in this appeal was recently addressed by this Court on July 14, 2005, in *Kroon-Harris v Michigan*, \_\_\_ Mich App \_\_; \_\_\_ NW2d \_\_\_ (2005). In *Kroon-Harris*, *supra*, slip op at p 7, this Court concluded that the Court of Claims has jurisdiction over claims of the sort raised by plaintiff. Accordingly, the Court of Claims erred in granting summary disposition to defendant in the instant case. The Court of Claims did indeed have jurisdiction over the case.<sup>1</sup>

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<sup>1</sup> As in *Kroon-Harris*, *supra*, slip op at p 7 n 8, “[w]e do not address the standard of review that the Court of Claims must employ on remand. The Court of Claims, instead, shall make that determination after a review of the applicable facts and law, including the law set forth in *Guiles* [v *University of Michigan Bd of Regents*, 193 Mich App 39, 44, 46-47; 483 NW2d 637 (1992)].”

Reversed and remanded. We do not retain jurisdiction.

/s/ E. Thomas Fitzgerald

/s/ Patrick M. Meter

/s/ Donald S. Owens